



STN 09/394,230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

#12
B. Webb
3/21/01

Applicant: Kevin L. Gunderson *et al.*

Examiner: B. Forman

Serial No.: 09/394,230

Group Art Unit: 1655

Filed: September 13, 1999

Docket: 1451.003US1

Title: NUCLEIC ACID ANALYSIS USING COMPLETE N-MER ARRAYS

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 1, 2000, Applicant respectfully requests that the Examiner consider the following remarks in connection with the above-identified patent application.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a three-month extension of the period for responding to the Office Action, thereby moving the deadline for response from December 1, 2000, to March 1, 2001.

Remarks

Reconsideration and withdrawal of the rejection of the claims, in view of the remarks present herein, is respectfully requested. Claims 1-18 are pending.

The Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over Cantor *et al.* (U.S. Patent No. 5,631,134) in view of Yershov *et al.* (Proc. Natl. Acad. Sci. USA, 93, 4913-4918 (1996)). This rejection is respectfully traversed.

Three criteria must be met in order to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation in the references or in the knowledge generally available to one of ordinary skill in the art to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2142.

Claim 1

Claim 1 recites a method of determining the presence of a mutation in a target polynucleotide comprising the steps of (a) providing at least two identical polynucleotide probe arrays, wherein each probe comprises a double stranded region and a single-stranded n-mer overhang